

Decision No. R20-0253-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0028CP

IN THE MATTER OF THE APPLICATION OF IRON MOUNTAIN TAXI FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A
COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
DENYING MOTION TO DISMISS INTERVENTION
AND SETTING STATUS CONFERENCE**

Mailed Date: April 14, 2020

I. STATEMENT

1. On January 16, 2020, Iron Mountain Taxi (Iron Mountain) initiated the above-captioned proceeding by filing an application seeking a Certificate of Public Convenience and Necessity to Operate as a Common Carrier by Motor Vehicle for Hire (Application) with the Colorado Public Utilities Commission (Commission).

2. On January 21, 2020, the Commission provided public notice of the Application to extend the permit by publishing a summary of the same in its Notice of Applications Filed:

For authority to operate as a common carrier by motor vehicle for hire for the transportation of

passengers in call-and-demand tax service

between all points within Pitkin County, State of Colorado.

3. On January 31, 2020, San Miguel Mountain Ventures, LLC (San Miguel) filed its filed its Petition for Intervention and Entry of Appearance through its counsel, Mark T. Valentine.

This filing attached Commission Authority No. 1648 held by San Miguel.

4. On February 26, 2020, the Commission deemed the Application complete and referred it to the undersigned Administrative Law Judge (ALJ) for disposition.

5. On March 5, 2020, by Decision No. R20-0143-I a prehearing conference was scheduled for March 19, 2020.

6. On March 16, 2020, by Decision No. R20-0176-I, the prehearing conference was vacated due to the COVID-19 pandemic.

7. On March 26, 2020, Iron Mountain filed its Response to the Notice of Intervention (Response).

8. No reply was filed by San Miguel.

II. RESPONSE TO INTERVENTION

9. In its Response, Iron Mountain argues that San Miguel is unable to operate in Pitkin County, the only county in which Iron Mountain's Application proposes taxi service. Iron Mountain continues that since there is no overlap in territory, San Miguel's intervention should be dismissed.

10. The period to object to an intervention is within 14 days after the intervention is filed. *Rule 1400(b) of the Rules of Practice and Procedure, 4 Code of Colorado Regulations 723-1*. No objection was made within 14 days of the intervention filing and the intervention was granted on March 5, 2020. Since the intervention has already been granted, the ALJ shall construe the Response as a motion to dismiss the intervention.

11. In the Response, Iron Mountain looks to San Miguel's Certificate of Public Convenience and Necessity and points out areas where San Miguel is restricted from providing service in Pitkin County.

12. The ALJ finds that the authority of San Miguel is not easy to understand and certainly could lead to confusion. But, upon examination the authority is broken down into five parts. As Iron Mountain states, parts 2, 3, and 5 explicitly prohibit service in Pitkin County. There is no overlap concerning these portions of San Miguel's authority.

13. However, the first part of San Miguel's authority allows for taxi service within a 100-mile radius of the Telluride Post Office. The fourth part allows for sightseeing service also within a 100-mile radius of the Telluride Post Office. These parts do not prohibit service in Pitkin County. The 100-mile radius contained in part one and part five contain part of Pitkin County.

14. With this overlap the motion to dismiss must be denied.

III. STATUS CONFERENCE

15. While the COVID -19 health advisories have not been lifted, the ALJ believes that a status conference is necessary to determine how this matter shall proceed.

16. The ALJ finds that holding a remote video-conference hearing is consistent with current public health advisories to prevent the spread of COVID-19.

17. The Commission uses the Google Hangouts video conferencing tool to hold video conferences. The parties are encouraged to familiarize themselves with this tool and ensure they are capable of using it during the status conference. Information and tutorials on the relevant Google tool are available at this link may prove helpful:

<https://support.google.com/a/users/answer/9282720?hl=en>.

This link is only provided for the parties' convenience and is not intended to guarantee that the information on the link is accurate or that it provides all the information the parties may need in order to use the relevant Google tool.

18. A link to the video conference will be provided to the parties by email prior to the hearing. This link is not to be shared with the public or media

IV. ORDER

A. It Is Ordered That:

1. The Response to the Notice of Intervention filed by Iron Mountain Taxi on March 26, 2020, is denied

2. Consistent with the above discussion, a remote video-conference status conference is scheduled as follows:

DATE: May 12, 2020
TIME: 10:00 a.m. MST
METHOD: Online, using Google’s platform for video conferencing.
Link will be provided to parties by email

3. Parties may not appear in person at the Commission for the above-scheduled hearing. Instead, parties and witnesses will participate in the video-conference hearing remotely using a computer, consistent with the requirements of this Decision.

4. The parties must ensure they are ready and able to participate in the video-conference hearing, and to present evidence electronically during the hearing using the Google Hangouts video conferencing tool.

5. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director